sequences of claim 3 be restricted to one sequence. The Examiner suggests that although the antisense sequences each target and modulate the expression of the same gene, the sequences are unrelated. Further, the Examiner suggests that a search of more than one of the antisense sequences claimed in claim 3 presents an undue burden on the Patent and Trademark Office due to the complex nature of the search and corresponding examination of more than one of the claimed antisense sequences. Applicants respectfully traverse this restriction requirement.

MPEP §803 is quite clear; for a proper restriction requirement, it must be shown (1) that the inventions are independent or distinct AND (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP 802.01 defines "distinct" to mean that the "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made there, etc., but are capable of separate manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

As acknowledged by the Examiner, all of the identified sequences of claim 3 share the ability to modulate a common structure, namely fibroblast growth factor receptor 2. Thus,

Applicants respectfully disagree with the Examiner's suggestion that the SEQ ID NOs recited in claim 3 are distinct as being novel and unobvious over each other as required by MPEP § 802.01. Accordingly, reconsideration and withdrawal of the species election requirement of the sequences recited in claim 3 is respectfully requested.

Claim 1 and 11 have been amended and claim 3 has been canceled to clarify that the claimed invention is a compound targeted to a *single* disclosed species of human fibroblast growth factor receptor 2, namely, SEQ ID NO:3. Support for this amendment is found throughout the specification and at page 87. Applicants believe that these amendments satisfy the requirements of this Restriction Requirement.

Further, a search of literature relating to a compound 8 to 50 nucleobases in length targeted to a nucleic acid molecule encoding fibroblast growth factor receptor 2 would clearly reveal art relating to all of these sequences. Thus, the inclusion of all of the sequences in this application would not be overly burdensome to the Examiner. Accordingly, the instant Restriction Requirement meets neither of the criteria as set forth by MPEP §803 to be proper. Reconsideration and withdrawal of this Restriction Requirement is therefore respectfully requested.

However, in an earnest effort to be completely responsive, Applicants elect SEQ ID NO: 3, with traverse. Attached hereto is a marked up version of the changes made to the claims by the current amendment. The attached page is captioned "Version With Markings to Show Changes Made".

Respectfully submitted,

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Version With Markings to Show Changes Made

In the claims:

Claim 3 has been canceled.

Claims 1 and 11 have been amended as follows:

1. (Amended) A compound 8 to 50 nucleobases in length targeted to a nucleic acid molecule encoding human fibroblast growth factor receptor 2, wherein said compound specifically hybridizes with said nucleic acid molecule encoding human fibroblast growth factor receptor 2 (SEQ ID NO:3) and inhibits the expression of human fibroblast growth factor receptor 2.

11. (Amended) A compound 8 to 50 nucleobases in length which specifically hybridizes with at least an 8-nucleobase portion of an active site on a nucleic acid molecule encoding human fibroblast growth factor receptor 2 (SEQ ID NO:3).